

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

RYAN HOBBS,

Petitioner, : Case No. 1:13-cv-928

- vs -

District Judge Timothy S. Black
Magistrate Judge Michael R. Merz

OHIO ADULT PAROLE AUTHORITY,

Respondent.

RESPONSE AND DECLARATION

This habeas corpus case is before the Court on Petitioner's Motion to hold the undersigned in contempt of court for failure to obey District Judge Black's Remmittal Order (ECF No. 33). Petitioner interprets that Order as requiring the undersigned to conduct the investigation Petitioner wants done into the alleged fraud on the Court of Respondent's counsel. In the Supplemental Report and Recommendations (ECF No. 45), I have attempted to the best of my ability to comply with Judge Black's Remmittal Order. If Judge Black believes something further needs to be done to comply with the Remmittal Order, he will doubtless order it.

The undersigned is not obliged to show cause why he should not be held in contempt of court on demand of a litigant; such an order must come from a judge of this Court. This Response is filed so that Petitioner will not be able to claim my silence constitutes an admission of his claims.

Petitioner threatens the Magistrate Judge with a libel action for suggesting that he served numerous subpoenas purporting to have been issued by this Court, but not showing, except in one instance, any signature of a deputy clerk. The Magistrate Judge remains persuaded that to serve a

purported subpoena from this Court which has not been issued by the Clerk constitutes an abuse of process and plainly has imposed costs on the third parties who had to move to quash. If Petitioner believes he has served subpoenas properly issued by the Clerk, let him produce the signed copies.

Petitioner becomes even more strident in his Conclusion:

You are hereby given 2 days to produce an answer. Failure to give a reasonable response will result in contempt of Court, and I will likewise stipulate the monetary loss I have incurred as you have wasted my time and the time of the Respondent, you will be precluded from presiding on this case and the § 1983 case, and your opinions will be STRICKEN from the record as purely vicious/egregious conduct and you will be subject to further sanctions by this Court, accordingly.

* * *

You will furthermore permit and direct your clerks to serve a signed copy of the original order to me in the mail and not a digital [sic] signature, failure to observe this condition will render the motion improperly served and rejected. You will also supplement the record with any off record communication between you, Judge Merz, and Attorney Maura Jaite or between Judge Merz and Judge Black, and you will certify to this Court if you have any off record communication.

Petitioner has no authority to order a response by a federal judicial officer within a period of time he chooses. Petitioner's demand for a pen-and-ink signature is rejected. S. D. Ohio Civ. R. 83.5(e) expressly authorizes the use of an electronic signature.

Declaration

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that I have had no off-record communications, oral or written, about this case with any party or attorney for a party

in this case or in the parallel civil rights action, Case No. 1:17-cv-441. Any communications between me and Judge Black or persons on his staff are confidential and protected from disclosure to the public by the deliberative privilege. On that basis, I decline to disclose them.

October 10, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge